

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PATRICK R. ASHLEY,

Petitioner,

-v-

9:12-CV-1703
(DNH/DEP)

BRUCE S. YELICH

Respondent.

APPEARANCES:

OF COUNSEL:

PATRICK R. ASHLEY
Petitioner, Pro Se
08-A-1195
Onondaga County Justice Center
Syracuse, NY 13201

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Respondent
120 Broadway
New York, NY 10271

PAUL B. LYONS, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se petitioner Patrick R. Ashley brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 27, 2015, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be denied. Both petitioner and respondent timely filed objections to the Report-Recommendation. See ECF Nos. 42 & 43.

Based upon a de novo review of the portions of the Report-Recommendation to which petitioner and respondent objected, the Report-Recommendation is adopted in whole.

See 28 U.S.C. § 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

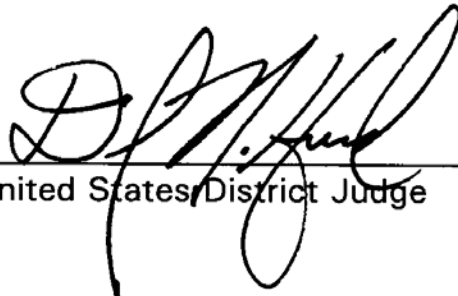
Therefore, it is

ORDERED that

1. The petition for a writ of habeas corpus is **DENIED** and **DISMISSED**; and
2. The Clerk is directed to close the file.

Because petitioner has not made a substantial showing of the denial of any constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253.

IT IS SO ORDERED.



United States District Judge

Dated: December 1, 2015
Utica, New York.